

back to the Senate with the recommendation that it do not pass.

CONNER, Chairman.

PETITIONS AND MEMORIALS.

By Senator Darwin:

Resolution commending the work done for education in the State by the conference for education and the State Department of Education, adopted by the Houston County Board of Trustees.

By Senator McNealus:

Notification of the adoption of resolutions favoring Sunday amusements, asking support of House bill No. 17 and opposition to Senate bill No. 39, signed by officers of Dallas, Texas, trades unions, named as follows: International Alliance Theatrical Stage Employes, Dallas Waiters' Union, The Cigarmakers' International Union of America, Bill Posters and Billers of America, Building Trades Council, Central Labor Council, Electrical Workers, Federation of Musicians, Retail Clerks' International Protection Association.

By Senator Murray:

Petition numerously signed by citizens of Rockport, Texas, and Beeville, Texas, asking support of any measure that may be proposed during the present session that looks to placing the fish and oyster industry of the State on a sane business basis.

By Senators Weinert, Wiley, Westbrook and Darwin:

Petition numerously signed by citizens of their respective districts protesting against the passage of a certain bill proposed to regulate the sale of medicines by rural wagons.

By Senator McNealus:

Petition signed by committee of Agricultural and Mechanical Club of Dallas, Texas, requesting co-operation with Senator Astin of Bryan and Representative Rowell of Jefferson in matters of legislation affecting the Agricultural and Mechanical College, especially in the matter of separating the Agricultural and Mechanical College from the University of Texas and that of the removal of the Feed Control from College Station to Austin.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, January 28, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Morrow.
Bailey.	Murray.
Carter.	Nugent.
Collins.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent.

Brelsford

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday the same was dispensed with on motion of Senator Johnson.

(See Appendix for petitions and memorials and standing committee reports.)

REPORT OF COMMITTEE ON PRIVILEGES AND ELECTIONS— ADOPTION OF.

Senator Watson asked unanimous consent to take up, at this time, the report of Committee on Privileges and Elections, relating to the contest of the seat of the Senator from the Fourteenth Senatorial District. (See Journal of January 22, for the report of the committee in full.)

The report of the committee was read and

Senator Lattimore moved the adoption of same, which motion prevailed by the following vote:

Yeas—26.

Carter.	Greer.
Conner.	Hudspeth.
Cowell.	Johnson.
Darwin.	Kauffman.
Gibson.	Lattimore.

McGregor.	Terrell.
McNealus.	Townsend.
Morrow.	Vaughan.
Murray.	Warren.
Nugent.	Weinert.
Paulus.	Westbrook.
Real.	Wiley.
Taylor.	Willacy.

Present—Not Voting.

Collins.	Watson.
----------	---------

Absent.

Astin.	Bailey.
--------	---------

Absent—Excused.

Brelsford.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 3, A bill to be entitled "An Act making appropriation for the support and maintenance of the Attorney General's Department for the remainder of the fiscal year ending August 31, 1913, and declaring an emergency," with amendments.

Also the following committee on the part of the House were appointed to arrange for the election of United States Senator:

Yarbrough, Henry of Bowie, McNeal, Buchanan, Stevens of Liberty.

Also House concurs in Senate amendments to House Concurrent Resolution No. 2.

Senate Concurrent Resolution No. 5, relative to election of United States Senator.

House Concurrent Resolution No. 6, granting leave of absence to Judge W. W. Beall.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

EXCUSED.

On account of important business:

Senator Willacy, for non-attendance on yesterday, on motion of Senator Gibson.

Senator Brelsford, for non-attendance on yesterday and for balance of week, on motion of Senator Hudspeth.

SENATE BILL NO. 3—HOUSE AMENDMENTS CONCURRED IN.

Senator Willacy here called up, as a privileged matter:

Senate bill No. 3, A bill to be entitled "An Act making appropriation for the support and maintenance of the Attorney General's Department for the remainder of the fiscal year ending August 31, 1913, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 3 so as to have the last line in Section 1 thereof read "\$5000.00" instead of "\$4000.00," and in Section 2, by striking out the word "one" in line 12, after the word "employ," and substituting in lieu thereof the word "two," making the line read, "employing two more assistants," and in line 15 by adding after the word "annum," the word "each."

The amendment was read, and the motion to concur was adopted by the following vote:

Yeas—27.

Astin.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.
Murray.	

Absent.

Bailey.	Morrow.
McNealus.	

Absent—Excused.

Brelsford.

BILLS AND RESOLUTIONS.

By Senator Vaughan:

Senate bill No. 176, A bill to be entitled "An Act to amend Article 6691, of the Revised Civil Statutes of 1911, of the State of Texas, prescribing penalties against railroads for violating the rules and regulations of the Railroad Commission of Texas relating to the furnishing of cars and the interchange of cars between railroad companies and to the speed at which freight shall be moved

between points within this State, defining such offenses, providing for suits to recover such penalties, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senators Wiley and Cowell:

Senate bill No. 177, A bill to be entitled "An Act to amend Article 1430, Chapter 18, Title 17, of the Revised Criminal Statutes of Texas, 1911, being an Act entitled, Fraudulent Disposition of Mortgaged Property, and providing for penalty for the removal of same or for selling or disposing of same, and providing that sale, removal or disposition shall constitute prima facie evidence of intent to defraud."

Read first time and referred to Judiciary Committee No. 2.

By Senator Collins:

Senate bill No. 178, A bill to be entitled "An Act to regulate the presentation and collection of claims for personal services, or for labor performed, or for material furnished or for goods or wares, or merchandise, or for overcharges in freight, or baggage, or express, or for any claim for lost or damaged freight, or baggage or express or for stock killed or injured by any person or corporation against any person or corporation doing business in this State, and providing a reasonable amount for attorneys' fees, not to exceed the sum of \$25.00 to be recovered, in cases where the amount of such claim shall not exceed \$200.00, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senators Morrow and Warren:

Senate bill No. 179, A bill to be entitled "An Act to repeal Articles 1140, 1141, 1142 and 1144, Chapter 16, Title 15, Revised Penal Code of the State of Texas, 1911, and to insert in lieu thereof new Articles 1140 and 1141, defining murder and fixing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senators Paulus, Warren, Murray and Weinert:

Senate bill No. 180, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies; prescribing conditions for transacting business, and declaring an emergency."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senator Wiley:

Senate bill No. 181, A bill to be entitled "An Act to amend Article 3878 of an Act entitled, Fees of Notaries Public, Chapter 3, Title 58, of the Revised Civil Statutes of Texas, 1911, fixing fees of notaries public for protesting bills or notes, issuing notice, giving certificates, taking acknowledgments, making copies, taking depositions and administering oaths."

Read first time and referred to Judiciary Committee No. 1.

By Senator Gibson, by request:

Senate bill No. 182, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize and empower Lamar county, or any political subdivision of said county, by a vote of a two-thirds majority of the resident property tax payers, qualified voters of such county, or political subdivision thereof, voting thereon to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, for public road improvement,' and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Hudspeth:

Senate bill No. 183, A bill to be entitled "An Act creating a State School of Mines and Metallurgy, for the purpose of teaching the scientific knowledge of mining and metallurgy in the State of Texas, to the end that the mineral wealth, oil, etc., may be developed upon the State school lands of this State, and declaring an emergency."

Read first time and referred to Committee on Mining and Irrigation.

By Senator Hudspeth:

Senate bill No. 184, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed, or are about to fail, to construct their roads and branches, or any part thereof, within the time required by law, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Hudspeth:

Senate bill No. 185, A bill to be entitled "An Act to amend Section 12, Section 15

and Section 18, Chapter 5, Acts of the Thirty-second Legislature, 1911, of an Act to provide for the eradication of sheep scab within the State, prohibiting the importation of scab-infected sheep, providing for a State Inspector and County Inspector of sheep, defining their duties, repealing Title 111 of the Revised Statutes of Texas, and all laws and parts of laws in conflict herewith, making an appropriation to carry this Act into effect, describing penalties, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

SIMPLE RESOLUTION.

By Senator Lattimore:

Resolved, That Senate bill No. 17, relating to the practice of optometry, and which has been reported back to the Senate by the Committee on Public Health, be recommitted to the said committee in order that parties interested and affected thereby may be heard.

McNEALUS,
LATTIMORE,
HUDSPETH,
JOHNSON.

The above resolution was read and adopted.

Morning call concluded.

SENATE BILL NO. 31 MADE SPECIAL ORDER.

Senator Warren moved that Senate bill No. 31 be made a special order for Thursday morning, after the conclusion of the morning call.

The motion was adopted.

ELECTION OF UNITED STATES SENATOR.

The Chair, Lieutenant Governor Mayes, announced that the hour had arrived, 11 o'clock a. m., set apart by concurrent action of the two Houses, for the Senate to nominate and ballot for United States Senator for the unexpired term of Senator Bailey, ending March 4, 1913, and for the election of a United States Senator for the regular term beginning March 4, 1913.

The Chair stated that by unanimous consent he would suspend the rules of the Senate with reference to visitors coming on the floor of the Senate, during

these proceedings. There was no objection.

(For the Unexpired Term.)

The Chair then declared nominations in order for United States Senator, to fill the unexpired term of Senator Bailey, term ending March 4, 1913, were in order.

Senator Vaughan nominated Hon. Morris Sheppard, and said in part:

I count it quite a privilege, Senators, to have the pleasure of nominating for that great office the man that has already been nominated by the people; and would have been delighted had I had time to make some preparation to make this nominating speech, but I regret that circumstances have prevented, but any one should be able to say something upon this subject without any preparation—considering the man who I am about to nominate.

The election of a Senator to represent Texas in the Congress of the United States for the remainder of the term ending March 4, 1913, is a duty resting upon the Legislature. The vacancy that was created by the resignation prior to the convening of the Legislature, could be filled by appointment of the Governor only, but his appointment under the law, lasts only until the time fixed by law for the Legislature to elect. The time has now arrived, and the duty rests upon us now to elect for the vacancy. I understand that the Governor's appointee is entitled to hold until the Legislature elects a successor and that successor qualifies, but the law fixes it as our duty to elect; I mention this fact simply to emphasize the proposition that our duty is quite different from that which rests upon us when the advice and consent of the Senate may be necessary to the confirmation of appointments. The duty of electing a Senator is one resting primarily upon the Legislature and not upon the Governor. It is only for the purpose of allowing no vacancy in that office that the law permits the Governor to make the nomination when the Legislature is not in session. When the Governor named his appointee it was for the time from the date of the resignation until the time fixed by law for the Legislature to elect, in other words, the term of the Governor's appointee was fixed by law and dated from the date he qualified until this good day, and the time of the Governor's appointee has now expired by law and the re-

sponsibility has now shifted from the Governor's shoulders to our shoulders.

Senators, the election of a United States Senator to serve Texas at this time, considering the industrial and political conditions of the United States and considering the great campaign that the democracy has waged for the masses ever since 1896, which so gloriously triumphed in the good year 1912—I say that the election of a Senator from Texas at this particular time has more significance than usual.

Excepting two short interruptions, the Republican party has been in possession and control of our Federal Government since 1860, and as a result of Republican misrule we are today suffering under laws which not only lay a heavier burden upon the poor than they are able to bear and lighter upon the rich, but tax the many for the benefit of the favored few who live in splendor at the expense of the toiling masses. Manufacturers have grown rich under Republican tariff protection, and have become tariff lords; distillers of liquors, under Republican tariff production, forming a whiskey trust, are enriched to the tune of one hundred and eighty million dollars a year by the tariff protection; and brewers, by a tariff, are enabled to form a beer trust, and are enriched by tariff protection to the tune of five hundred million dollars every year, and have become liquor lords. Railroad manipulators and magnates, by freight rates levied to pay exorbitant salaries to themselves and their favorites and to pay interest and dividends and watered stocks and bonds annually, collect many times as much from the people of the United States as the Government collects through the tariff and have become railroad lords. The money trust, which established its control over the Republican party early during the war, has grown and flourished under its favor and protection until today it has the unblushing effrontery to ask the people of the United States to turn over to it absolute control of our finances. In fact, Senators, our Federal Government is under the domination of tariff lords, liquor lords, railroad lords, trust lords and money lords. A great campaign has been waged in behalf of the people by the great Nebraskan since 1896. He can truthfully say with Saint Paul that he "has fought a good fight and has kept the faith," and the flag of democracy now floats in triumph.

Texas has had a great deal to do with

the campaign in behalf of the masses, to relieve us of these conditions. The people of the United States have done their duty; they have elected a Democratic President and a Democratic Congress. In the beginning of the campaign we might have said that our duty was to educate the people and to appeal to them to stand for Democracy. Now we can say that the people have done their duty, and it is up to us to do ours. It is eminently fitting that the people of Texas should at this time elect one to represent her in the Senate who is Wilsonian to the core. It is eminently proper that by this election we should send a message to our President-elect that we meant what we said when we sent a delegation to Baltimore to vote for him.

I nominate a man who stands for all that Democracy means as announced in the platform promulgated at Baltimore. A young man who entered public life early and has performed his duties well, and maintains a spotless record: who has done as much or more for his Congressional District than any Congressman that ever served from the State of Texas; a man who is as true to the people as Jefferson was, as true to them as Bryan is; who understands our conditions as well as Woodrow Wilson does, and who is as well qualified for the position of Senator as our President-elect is to the position to which we have elected him. There is no man in all Texas who is better qualified to serve her; in public and in private life he has established a character that should be the emulation of the youths of Texas, and the election of him at this time will be an inspiration to every young man within her borders, and an assurance that a Texas boy without the advantages of wealth, and without influential family connection, may successfully aspire to the highest office within the gift of our people. He was educated at our own University. His alma mater should be proud of him: he will honor her and honor us by his service in the Senate of the United States. He has already honored her by his service in the House of Representatives. He is the pride of the town in which he lives, the county in which he lives, the district in which he lives, and he should be and will be the pride of the great State in which he lives. I take great pleasure in nominating my fellow townsman and friend whom the people have already named, the Honorable Morris Sheppard.

Senator Darwin seconded Mr. Sheppard's nomination, and said:

Mr. President, I arise to second the nomination of Morris Sheppard for the short term, and in doing so, I am confident that if this Senate will do its duty and vote the sentiment of the Texas Democracy, there will not be a dissenting voice. He stands for what is highest and best, and is in accord with the National Democracy and our National standard bearers.

So fellow Senators, when the Texas people were called upon to select a man to represent them in the United States Senate, in keeping with the trend of popular sentiment, and true to the example of former days, the Democracy of Texas selected a man whose conscience is gauged that right and wrong can be distinguished, a man whose heart beats for those who toil, and a man whose industry and labors are for the public good, a man whose belief is that the toiling millions of our land constitute the bone and sinew of our Republic, and a man who looks into the future with faith, calmly, and strives ever to act as a public official that the golden beam shall incline to the side of perfect justice. So Morris Sheppard shall receive the official toga.

Mr. President, the election of Morris Sheppard but reflects the sentiments of our nation in regard to public men. Honest with the people, fearless, open, and willing to look beyond local borders and work for a whole nation. We have suffered too long, because local influence dominated the acts and thoughts of our public men. The representatives from New England harken to the voice of the local spinner, the representatives from the great center of our country plead for their share of favors in our tariff structure on raw material, the Westerner pleads for protection of his raw material and fruits, the Southerners at times roll logs with all of them that a few minor things in minor localities might secure special favors, and for fifty years the American millions have toiled to keep the wolf from the door, and petitioned that the mire of special favor be drained, that the load be taken from the back of the honest pilgrim, that America be made in fact, as well as in theory, a land where there are equal rights to all and special favors to none.

Mr. President, I contend that the best possession of a free people is their men of high character and unspotted integrity. And when Texas selected Morris Sheppard as United States Senator in 1912, she made no mistake in this re-

gard. The people are not ungrateful, they are generous to reward their friends. The people knew that this brilliant young Congressman united ethics with politics, the people know that Morris Sheppard will not flatter the powerful because of their power, nor will he favor the poor because of their numbers; they know he will do his duty as he sees it, that he will keep pace with changing conditions, that he will be just instead of generous, and that he will seek to do justice with an even hand.

Mr. President, I feel that it is almost useless to speak of the public record of our Senator to be, beyond the fact that he has challenged wrong, and has been a defender of the right. Some may claim that Sheppard rose because of his eloquence, which he possesses in a high degree; it may be claimed that he rose because he was a hard worker, and he has been diligent; he may have been aided by his wit and marvelous use of our language; but by none of these did he win favor. He is trusted and favored by the Texas people because he has given the best of his gifts to the service of the people, because of his devotion to the people's cause, because he has used all that he could command to combat the people's enemies.

When the tariff barons were catilizing our tariff, when the money power was concentrating its forces in Wall street, when the will of the people was being denied by public officials, when American mothers were spurned by brutal officers from the White House, and in fact when democracy seemed to be a thing of the past, it was inspiring to listen to the appeal of the young Congressman from Texas when he asked only for simple justice. For years Morris Sheppard has denounced the system whereby the consuming millions of America are trod down that the chariots of the favored few may pass the more conveniently by.

Fellow Senators, there seems to be something wrong in our complex system in America. Men of affairs tremble when tariff is mentioned, and are doubtful when you mention reform in our government. Why? It is because they know there are powers somewhere organized, so watchful, so woven and interlocked and so effective, that to meddle or seek to know, means ostracism, defeat, and confusion.

This is the third great strife in our history. The first was the strife that resulted in a free government, the second was the great division between the States; the third struggle, and the one we now witness is, whether free govern-

ment shall be the servant or the master of industry and commercialism. The first and second struggles were settled by grape, canister, and the lives of men on the field of battle, the struggle of today must be settled in the people's forum, in the council chambers of our nation. Not only men, today, are being driven to an untimely death, but women and children are being denied the comforts of life and are driven to exhaustion in our sweat shops, factories, and the market places where our commercial wheels are turning. The voice of American public opinion is harkening to the wail of the weak, the combat is unequal, so our public men are no longer judges of our actions, but they are actors in the fray. So, sirs, it is well worth our while to consider well whom we select to represent us in the halls of our nation.

So, Mr. President, in presenting the name of Morris Sheppard, I feel that Texas has selected well. By inheritance he represents the people in feeling and sympathy; and nature has been grateful to him in temperament and intellect; by training he has prepared himself to assume the duties of the place; and with a keen sense of right and wrong he will side with that which means most to our State, our nation and humanity.

From the time he was first elected to Congress, not much more than a mere boy, and I heard his eloquent appeal, my confidence in him has grown. He knew the sympathies and wrongs of the people and worked to remedy them. He stands for the proud traditions of our Southland, and in rhymic pathos and beauty he portrayed the hopes and fortunes of the great strife, and by his conduct and example the sections of our country are becoming closer knit. The hosts of the blue and the gray are beating in unison for a United America forever.

Our international relations have become critical. We have expanded beyond the seas and oceans. It is not a question of expansion or imperialism, for we have already expanded and become an empire, but it is a question of how we will act away from home. It is American money that freed China and awakened her industry; it is the American hearts that bleeds when captives suffer in hostage camps. It is American sympathy that succors when barbarism is shown in foreign lands. It is American public opinion and American power that holds in check the bristling armaments and the mighty squadrons that plough the seas. So its a

greater question than personal favor when we send men to Washington to help formulate plans that we may still be the arbitrators to all nations and the example of fairness for all time to come.

Mr. President, the American people are tired of injustice and misrepresentation. Throughout our whole system, grafters and graft are being eliminated. Lorimerism is a brand of infamy, special favors to public servants is now marked as an official and penal crime, plunderers of our municipalities are classed as undesirable citizens and felons. The innate desire for justice is today dominating the American people, and the tendencies of affairs cannot be withstood by the artful strokes of policy, or by sophistry. The temple halls of injustice are echoing with the departing tread of its once defenders. For the appeal for human rights will not be denied—God's eternal justice is the fundamental law of men and their social welfare, and nothing short of perfect justice can satisfy.

Now, Senators, I will consume your time no longer. Morris Sheppard's qualities are known to you better than I can portray. He is trusted as but few men are or have been by the people of the First Congressional District. The people have chosen him to be their Senator in Washington, and in speaking a word in his behalf today, I only express the sentiment of those who know him best and have confidence in his fidelity and his future. The democracy of Texas has not erred in its choice. Texas and the nation needs a man who loves freedom and justice, an apostle of love and liberty, and a faithful servant—and such a man is Morris Sheppard. If patriotism, honesty, industry and square dealing were the defenders against death and the whole qualifications for public favor, Morris Sheppard would live forever and serve Texas to the end of time. Mr. President, I again second the nomination of Morris Sheppard, for the short term for United States Senator.

Senator Bailey nominated Hon. R. M. Johnston, and said in part:

Mr. President: I rise to offer a motion which ought to receive the unanimous assent of the Senators of Texas. It is difficult to realize that this is not to be the case, or to comprehend the conditions which have induced opposition to the natural and appropriate course under the existing circumstances. The occasion seems to me, sirs, to be one in which rhetorical argument and persuasion are not called for. It will

better comport with the dignity of the proposal I have the honor of submitting, to make merely a brief statement of facts. The logic of the situation will demonstrate its inherent propriety.

The choice of a Senator to represent this State in the National Congress for the long term of six years, to begin on the fourth day of March of this year, was submitted to the qualified voters in an election in which the Honorable Morris Sheppard received a plurality of the votes cast. That question was thereby settled. Regardless of original preference, I shall vote to elect Mr. Sheppard to the office for which he has been nominated to the Legislature by the voice of the people. Such will be the action of all whose views I represent. The present question has nothing to do with that issue.

The question now before us arises from the recent resignation of our Junior Senator, and the appointment by the Governor, of the Hon. R. M. Johnston to fill the vacancy for the few remaining days of the unexpired term. Under the law, the Governor's appointment is valid only during recess of the Legislature, and it is now the duty of the Legislature to elect a Senator of the United States to represent Texas for the remainder of the unexpired term of the Junior Senator, resigned. That is to say, for the thirty odd days remaining until the fourth day of March. Evidently the natural and appropriate course would be to confirm the Governor's appointment for the few days of the unexpired term, and to elect for the long term the nominee of the Democratic voters. I shall not pause to characterize the pettiness and vindictiveness of any other course.

The long, faithful and signal services of R. M. Johnston to the Democratic party need no praise or rehearsal by me. As various questions have arisen, he has stood manfully by his own views in preliminary debate, but he has ever yielded loyally to the decree of the majority, and has devoted his great energies and influence to carrying forward to success every enterprise determined upon by the counsels of the party. His personal record in this regard constitutes the most striking of all possible rebukes to the factional spirit in which some now seek to heap contumely upon him and upon the Governor by refusing even the slight recognition of his life-time service, which the Governor sought to recognize by offering him this brief appointment.

In the nature of the case, by reason of

the very short time involved, no policies of State or National politics were or are implicated. The Governor simply did such honor as lay within his power, to a man grown gray in devoted service. As for Mr. Sheppard, his legitimate interests and dignities were not and are not in any wise impugned. He, in truth, is making a profound mistake by allowing his name to be used as a tool for the rabid fanaticism that would, at any cost, do despite to the Governor and to the veteran soldier of democracy whom the Governor sought to honor. It would have been far more creditable to Mr. Sheppard to have preferred to wait thirty days. On the fourth of March he might have assumed with dignity and honor the high office he has sought and won. If the public interests are considered, it is obvious that Mr. Sheppard would be in a position to render more valuable service during the next thirty days in his familiar place in the House of Representatives, than as a premature addition to the Senate prior to the new administration that is to be installed on the fourth of March.

I am aware, Mr. President, that many of my colleagues have been constrained against their own recognition of the proprieties, to oppose the election of R. M. Johnston for the unexpired term, by communications received from excited constituents. Upon this point, I have but to say, that if I thought myself incapable of explaining to rational constituents the true merits of this question, I would resign, from a sense of incompetency, and if I thought the majority of my constituents incapable of understanding my correct explanation of the matter, I would resign to acquire a more congenial place of residence.

The real question at issue, Mr. President, is simply whether the notion of "prohibition" is to confuse and debauch every matter of public consideration, and to banish candor and justice and moderation from public action.

As I have already suggested, it would be superfluous for me to attempt any encomium upon the life-time services and loyalty of R. M. Johnston. They are already known to all, and, if I understand his virile attitude in this affair, nothing would be less acceptable to him. The Governor of Texas gave appropriate and graceful recognition of those distinguished services when he appointed the faithful veteran to the position he occupies. It is astonishing, but true, that you are asked to drag him down from completing the brief unexpired term, and thereby discredit the valiant

head of the Democratic party of Texas, the Governor who appointed him.

I have the honor, Mr. President, to nominate as United States Senator from Texas, for the unexpired term until March 4, 1913, the present incumbent, the Hon. R. M. Johnston.

Senator Warren seconded the nomination of Mr. Sheppard.

Senator Watson seconded the nomination of Mr. Johnston.

Senator Townsend seconded the nomination of Mr. Sheppard.

Senator Lattimore seconded the nomination of Mr. Sheppard.

Senator Hudspeth seconded the nomination of Mr. Johnston.

Senator McNeal seconded the nomination of Mr. Johnston.

Senator Johnson seconded the nomination of Mr. Sheppard.

Senator Collins seconded the nomination of Mr. Sheppard.

Senator Astin seconded the nomination of Mr. Johnston.

Senator Vaughan closed the nomination of Mr. Sheppard with a short rejoinder, as follows:

Mr. President: If any Senator desires to second the nomination of either of the gentlemen who have been placed in nomination, or to nominate anyone else, I will yield the floor until all Senators have spoken, who desire to speak. Otherwise I desire to reply to some of the criticisms that have been urged against Mr. Sheppard by the friends of Colonel Johnston in their nominating and seconding speeches.

I submit to you, Senators, that in nominating Mr. Sheppard I uttered no word of criticism of Colonel Johnston. No Senator who has seconded the nomination of Mr. Sheppard has done so. Mr. Sheppard and his friends have placed his candidacy upon a higher plane. I cannot permit the criticisms to go without a reply.

We have been told by the Senator of Harris (Senator Bailey), and by the Senator from Brazos (Senator Astin), that the graceful thing for Mr. Sheppard to have done, would have been to refuse to permit the use of his name for election to the unexpired term, and he has been severely criticised by these and other gentlemen who have spoken for Mr. Johnston, for having had the temerity to permit the use of his name for election to the office to which the people had already elected him. These gentlemen remind me of Hamlet's mother chiding Hamlet: "Hamlet, thou hast thy father much offended." We reply with

Hamlet, "Mother, thou hast my father much offended."

Since we have been advised as to what would have been proper and graceful on the part of Mr. Sheppard, permit me to say that when the vacancy occurred the graceful thing for Colonel Johnston to have done would have been to tell the Governor and to tell those who were urging his appointment, that the people, the Democrats of this great State, had already named their choice for United States Senator; and the graceful thing for the Governor to have done when he was importuned, if he was, to appoint Colonel Johnston, would have been to tell those who sought Colonel Johnston's appointment, that the people had already named their choice. We have been told by the Senator from Brazos that we and Mr. Sheppard should have bowed to the will of the people as expressed by the Governor. We answer that the Governor and Colonel Johnston and their friends should have bowed to the will of the people as expressed by themselves.

We have been regaled with eulogies upon the record of Colonel Johnston as a Democrat. Whatever may have been his loyalty to the party in the past, this is one time he has permitted the use of his name in opposition to the nominee of the party. For the party has already nominated Mr. Sheppard. Our nominee carried a majority of the senatorial districts of the State and a majority of the representative districts of the State, and a large plurality of the popular vote. He is the nominee of the party, if the party can make a nomination.

You cannot by special pleading avoid the effect of the people's nomination of Sheppard by your specious plea that they have nominated him only for the long term beginning March 4. We answer, the people have never had an opportunity to vote upon whether they would elect him to the unexpired term, and there is no better evidence of their will as to the short term than their well-known will that has already been expressed as to the long term.

We have heard eulogies upon the record of Colonel Johnston as a soldier. If we are to elect a man because of an excellent Confederate record, there are others who might successfully compete with Colonel Johnston. Texas has already elected Confederate soldiers to the United States Senate. A more gallant soldier than Roger Q. Mills never led a regiment. He was elected, and he honored us by his service. And the Confederate soldier was recognized in the election of General Maxey, who also

honored the State by his service in the Senate.

If we were electing some one as a matter of compliment, or in recognition of party services, there are many Democrats who might successfully compete with Colonel Johnston for the honor; and we might dispute during the remainder of this session whom we should elect. But, we are not here to pass compliments nor give bouquets, but to elect someone to serve the people of Texas.

We have been told by the Senator from Brazos and the Senator from Harris that but for the prohibition question Colonel Johnston would have had no opposition. We answer, that but for the fact that the friends of the Colonel are unable to rise above their anti-proclivities, Mr. Sheppard would have been named for the short term, and elected to it without opposition.

The Senator from El Paso told us that he never had agreed and never expected to agree in politics with Mr. Bryan, to whom I referred in nominating Mr. Sheppard. The trouble with the Senator from El Paso in this respect is that he is out of line with the party, as expressed in our national platform, for it is well known that Mr. Bryan wrote the platform promulgated by our party in national convention at Baltimore.

Standing here as the representatives of the people, as Democrats, knowing the will of our constituents, it is our duty to reflect their will. We are in a few days to be called upon to vote upon the question whether Texas will ratify the amendment to the Constitution of the United States, providing for the election of United States Senators by direct vote of the people. I dare say we will ratify that amendment. In what kind of an attitude will we place ourselves, when we know the will of the people and refuse to obey it as expressed at the polls?

We present you a man who deserves the confidence of the people that has been bestowed upon him, who has done as much service for the party in his short life as Colonel Johnston has done in all his years, and who deserves the honor, even if it were bestowed as a mere matter of compliment or recognition of service and loyalty. But, when we reflect that Mr. Sheppard not only deserves the honor, but that he is in harmony with the party at this time, that he stands for the principles for which Woodrow Wilson stands, who can doubt that his election would be a message of good cheer to our newly elected President? Colonel Johnston had bitterly op-

posed the nomination of Woodrow Wilson, not only before Texas instructed her delegates for him, but afterward, and he carried his opposition into the Baltimore convention, and he is entirely out of harmony with the principles and policies for which our party stands at this time.

Let us elect Sheppard and reflect the will of our constituents and send the good tidings that will be an inspiration to Democrats throughout the Union.

There being no further nominations, the Chair declared nominations closed and directed the Secretary to call the roll.

The roll was called and each Senator, rising from his seat as his name was called, announced his vote. Following is the vote:

For Hon. Morris Sheppard—17.

Carter.	Lattimore.
Collins.	Morrow.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Westbrook.
Johnson.	Wiley.
Kauffman.	

For Hon. R. M. Johnston—12.

Astin.	Paulus.
Bailey.	Real.
McGregor.	Terrell.
McNealus.	Watson.
Murray.	Weinert.
Nugent.	Willacy.

PAIRED.

When Senator Hudspeth's name was called, he stated that he was paired with Senator Brelsford, he (Hudspeth) would vote for Mr. Johnston, and Brelsford would vote for Mr. Sheppard.

REASONS FOR VOTING.

C. W. Nugent, in casting his vote for R. M. Johnston for United States Senator for the unexpired term of Senator J. W. Bailey, resigned, announced the following reasons for so voting:

1. I question neither the high character, brilliancy nor qualifications of the Hon. Morris Sheppard for the position, and do not wish by casting this ballot to in any manner reflect upon his right to the position.

2. If the resignation of Senator Bailey had been deferred until the assembling of this Legislature and the election of his successor had been primarily re-

ferred to us, I should have voted for Mr. Sheppard for the short term, but realizing and appreciating the fact that R. M. Johnston has for more than thirty years rendered faithful and distinguished service in the most unselfish manner to the cause of Democracy; is now an old man, an honored Confederate veteran, having reached that age in life when this will be his last opportunity to receive at the hands of Democracy so neat a compliment and recognition of his faithful services as a Democrat, and having already been appointed by the Governor and now serving in the Senate, and deprecating, as I do the discord and strife that has heretofore existed in our Legislature, and especially two years ago as between the factions of the Legislature and as between the Legislature as a whole and the executive branch of our State Government, and all members of the Thirty-third Legislature having come together, as I believe, in a spirit of commendable harmony and good will, and with a universal patriotic desire to render the best possible service to Texas, I am not willing at this time, for so short a term as four or five weeks, when no specially important legislation is involved, to affront Governor Colquitt (although I have never at any time been aligned with him, and have always differed from him on a great many important issues), nor am I willing for so short a term to humiliate and wound the pride and ambition of an old soldier, a faithful servant of his party, by striking him down as the defeat now would mean to him, notwithstanding the fact that no special personal friendship has ever existed between Col. Johnston and myself, and notwithstanding the further fact that he is not now in full accord with my views as a progressive Democrat.

3. I am not willing to go on record as willing to destroy or humiliate our former faithful Democratic leaders because they are not now in full accord with us, and do not believe that that is the proper manner in which to build up and maintain a strong and effective party organization and a fighting force against the enemies to Democracy.

4. I cast this vote for the further reason that since I have been a member of the Senate I have been requested by many of the best citizens of my district who were warm supporters of Mr. Sheppard in the last primary and who are strong prohibitionists, and, therefore, in opposition to Col. Johnston, and have been requested by many of the best citizens of my district who are otherwise

friendly to Col. Johnston, to cast my vote for him, whereas I have not received one single request from citizens of my district to vote against Johnston.

5. I have always been a warm admirer of Mr. Sheppard and especially appreciate his brilliant career, his blameless life, and his high character, but I believe that his friends have made a serious mistake in ever permitting him to take this small crumb of honor, pride and satisfaction from a life-long worker for and adherent to the fortunes and principles of our party, an honored Confederate soldier who followed the flag of Lee, Jackson and Hood before Mr. Sheppard was born.

(For Regular Term.)

The Chair then stated nominations for United States Senator for the regular term, beginning March 4, 1913, were in order.

Senator Vaughan nominated Hon. Morris Sheppard.

Senator Terrell seconded the nomination of Mr. Sheppard.

There being no other nominations the Chair declared nominations closed and directed the roll called and the vote resulted as follows:

For Hon. Morris Sheppard—30.

Astin.	Morrow.
Bailey.	Murray.
Carter.	Nugent.
Collins.	Paulus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kaufman.	Weinert.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent—Excused.

Brelsford.

The Chair then stated that the Senate would meet with the House of Representatives in joint session tomorrow at 12 o'clock for the purpose of comparing the vote and declaring the result.

ADJOURNMENT.

On motion of Senator Carter the Senate, at 1:05 o'clock p. m., adjourned until 10 o'clock tomorrow.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Hudspeth, for Senator Real:

Petition alleged to have been signed by 8,000 citizens of San Antonio, Texas, Stockdale, Texas, and Center Point, Texas, endorsing the position of the Governor of Texas in his stand for the repair and restoration of the Alamo, and asking that DeZavala Chapter, Daughters of the Republic of Texas, be made local custodians.

By Lieutenant Governor Will H. Mayes:

Telegram dated at San Antonio, Texas, January 27, 1913, signed by Mrs. Eli Hertzberg, President of Texas Federation Women's Clubs, reading as follows:

The Texas Federation of Women's Clubs endorse Senate bill No. 35, presented by Senators Darwin, McGregor, Weinert and others. The bill having been approved by our legislative committee before it was presented, we ask most respectfully, the favorable consideration of your committee and hope the members of the Senate will pass this bill unanimously. Please submit without delay.

By Senator Lattimore:

Petition signed by members of Arlington Local Farmers' Union urging opposition to the "Full-Crew Bill" and two-cent passenger fares and kindred legislation.

By Senators Vaughan, Westbrook, Darwin and Carter:

Petition signed by the citizens of their respective districts, protesting against the passage of the bill which would forbid the vending of medicines from rural wagons.

By Senator Kauffman:

Petition numerously signed by citizens of the city and county of Galveston, Texas, protesting against the passage of Senate bill No. 39, and asking support of House bill No. 17.

By Senator Vaughan:

Numerous petitions signed by officials of the several organizations whose names are appended hereto, endorsing a resolution passed by the Texas Bar Association July 4, 1912, calling upon the legislature to enact legislation that will give married women control of their own property. Fort Worth Trades Assemb-

ly, Dallas Trinity Park Mothers' Club, Carpenters' and Joiners' Union of Marlin, City Federation of Women's Clubs, Houston; Houston Heights Woman's Club, Magnolia Camp W. O. W., Houston; Houston Labor Council; Galveston Labor Council; Beaumont Trades and Labor Assembly; Parent-Teachers' Association, J. S. Hogg School, Dallas; Dallas Central Labor Union.

RELATING TO UNITED STATES SENATOR.

The following is printed here by order of the Senate:

Houston, Texas, January 27, 1913.

Hon. L. H. Bailey, Senator, Sixteenth Senatorial District, Austin, Texas.

Dear Sir: At the Democratic primary election held July 27, 1912, the Hon. Morris Sheppard, Hon. C. B. Randell, Hon. Mat Zollner and I were candidates for the Democratic nomination for the high office of Senator of the United States from Texas. During the course of that campaign I, through the public press and from the stump, in more than 500 speeches, urged that the candidate receiving a plurality of votes cast at such Democratic primary should become the Democratic nominee for that office. Messrs. Randell and Zollner did not at any time, so far as I know, make answer to this proposition. The Hon. Morris Sheppard replied that the candidate receiving a majority of all of the votes should be the nominee, thus refusing to accept the proposition which I submitted. I believed then that the suggestion made by me was the correct Democratic way by which to nominate a candidate for this office. The result of the primary election was that Mr. Sheppard received a plurality of something like 8,000 votes, and not a majority.

Immediately after the primary election of July 27, when the result had been unofficially but authentically determined, I stated through the public press that I regarded Mr. Sheppard as the Democratic nominee for United States Senator. In the Democratic convention, which convened in San Antonio in August, composed of delegates, the majority of whom were my political friends, I reiterated that statement, and urged that Mr. Sheppard receive the loyal support of every Democrat for that office.

I am now advised that some members of the Senate intend to cast their votes for me for United States Senator. I

would be less than human did I not appreciate the confidence and the loyalty of those gentlemen, for I know that their intentions are prompted by the noblest impulses that can animate mankind. I appealed to every member of the Senate, who has personally expressed his intention to vote for me, not to do so. But in some instances, I am advised these appeals have been without result. I made my first fight for Democratic supremacy when I was nineteen years of age, in a county and in a community where the enemies of Democracy were sufficiently strong in numbers at times to predominate. From that time until this I have never proven disloyal to the organized Democracy, and so long as I remain a member of that party, no man shall be able to charge me with being unfaithful to my party allegiance.

I now appeal to every Democratic member of the Senate not only not to cast their vote for me for United States Senator for the term beginning on March 4, 1913, but to cast the same for the Hon. Morris Sheppard, who is the Democratic nominee for the term beginning on that date.

I take this step at the risk of being deemed impertinent, and respectfully request that you as a member of the Senate from my home county, and as my close personal and political friend, shall have the same read to the Senate in open session. Sincerely,

JAKE WOLTERS.

The above was read and Senator Watson requested that it be printed in the Journal. There was objection, but the Chair held that it would be so printed unless the Senate directed otherwise by motion.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, January 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 25, A bill to be entitled "An Act providing for the establishment, maintenance, control and management of the State High Schools offering courses of study in agriculture, manual training and domestic economy, and offering special courses for the preparation of teachers; prescribing courses of study to be taught therein; designating who are entitled to attend such State High Schools, and making

appropriations to carry out the provisions of this act."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

PAULUS, Chairman.

Committee Room,

Austin, Texas, January 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 87, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase, own and operate the railroad of the Concho, San Saba & Llano Valley Railroad Company with its franchises and appurtenances; the railroad of the Texas and Gulf Railway Company, with its franchises and appurtenances; the railroad of the Gulf and Interstate Railway Company of Texas, with its franchises and appurtenances; or either or any of such railroads with its or their franchises and appurtenances; and until such purchase or purchases is or are made to authorize the lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of said other companies or of either or any of them; or to authorize the Gulf, Colorado and Santa Fe Railway Company to lease that portion of the railroad of the Pecos & Northern Texas Railway Company, situated between Coleman, Texas, and Sweetwater, Texas, including the railway terminals and other property of the Pecos and Northern Texas Railway Company, now or hereafter situated in said cities of Coleman and Sweetwater; and to authorize the Pecos and Northern Texas Railway Company to contract with the Gulf, Colorado and Santa Fe Railway Company for the operation by the officers of the Gulf, Colorado and Santa Fe Railway Company of said railroad between Coleman and Sweetwater."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

KAUFFMAN, Chairman.

Committee Room,

Austin, Texas, January 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 173, A bill to be entitled "An Act to authorize the Texas & New Orleans Railroad Company to purchase, own and operate the railroad of the Burr's Ferry, Brownel & Chester Railway Co., with the franchises and other properties thereunto appertaining; and to authorize the said Burr's Ferry, Brownel & Chester Railway Co., to sell the same; and to authorize the Texas & New Orleans Railroad Company to issue additional mortgage bonds to the amount of the value of the railroad, franchises and appurtenances so purchased as fixed, or as same may be fixed, by the Railroad Commission of Texas; and to regulate the reports of the operations of such properties,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

KAUFFMAN, Chairman.

Committee Room,
Austin, Texas, January 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Labor, to whom was referred

Senate bill No. 75, A bill to be entitled "An Act for the protection of persons of this State who may be injured in a foreign country, and providing for adequate compensation therefor, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass with the amendments.

Amend the bill by striking out the following words in Section 1: "or the statute of law of any Territory or State within these United States or foreign country."

Amendment 2. Strike out the following words in Section 1, line 9, "United States," and insert the words, "this State."

TAYLOR, Chairman.

Committee Room,
Austin, Texas, January 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Labor, to whom was referred

Senate bill No. 40, A bill to be entitled "An Act to protect material men, artisans, mechanics, and laborers for material furnished or labor performed on any buildings, improvements, fixtures, or articles on which they have furnished

any material or performed any labor, and requiring any owner or original contractor on such buildings, improvements, fixtures or articles whatsoever, to see that all material furnished and labor performed on such buildings, improvements, fixtures or articles have been fully paid for at a just and reasonable valuation before such contractor shall receive his pay for performing any services under the terms of his contract, and giving a first lien to material men, artisans, mechanics and laborers against such buildings, improvements, fixtures, or articles for which they have furnished material or upon which they have performed labor, and a lien against the land on which such buildings are located, and making the owner of such buildings, improvements, fixtures or articles liable for the value of all material furnished and labor done, and fixing the time and prescribing the method for filing liens, and repealing all laws in conflict herewith,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendments:

Amendment 1. In the last line of Section 2, after the word "by" insert the word "foreclosure or by."

Amendment 2. Strike out "of" in line 2 of Section 3.

Amendment 3. Amend the bill by inserting after the word "claimed" in the seventh line of Section 3, the words "describing the property against which said lien is claimed."

Amendment 4. Strike out the period at the end of Section 3 and add a comma, "with the provision, however, that should any person so furnishing material, doing labor for which a lien is claimed, fail to fix the same as hereinbefore provided, such failure shall cancel his claim as against the owner of the building."

Amendment 5. Amend the bill by inserting after the word "purpose" in the second line on the third page of the bill, "and on the filing thereof of said lien with the clerk, the said county clerk shall mail to the owner of the building the name of the lien holder and the amount of his claim by registered mail."

Amendment 6. Amend the bill by inserting after the word, "dollar" in the last line of section 4 the words "and ten cents."

Amendment 7. Amend Section 5 after the word "provided" in last line thereof by striking out all from and including

the word "and" down to and including the last word in said section, the word "more."

Amendment 8. Insert the word "a" between the words "as" and "lien" in line 8 of Section 5.

TAYLOR, Chairman.

Committee Room.

Austin, Texas, January 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 18, A bill to be entitled "An Act to create a special district court for Grayson county, to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court and the other district courts in said county to such changes as are made in the jurisdiction of any of said courts by this bill, to empower the judge of said special district court and the judges of the Fifteenth and Fifty-ninth Judicial Districts in Grayson county to transfer cases from their respective court to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room,

Austin, Texas, January 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 163, A bill to be entitled "An Act to reorganize the Thirty-second Judicial District of the State of Texas, and fixing the time of holding the terms of the district court in each of the counties therein; to reorganize the Seventieth Judicial District of the State of Texas, and fixing the time of holding the terms of the district court in each of the counties therein; to reorganize the Seventy-second Judicial District of the State of Texas and fixing the time of holding the terms of the district court in each of the counties therein; to make all processes issued or served before this Act goes into effect, including recognizances and bonds, returnable to the terms of the district court as herein fixed; to attach the unorganized counties of Cochran and Hockley to Lub-

bock county for judicial and all other purposes; to attach the unorganized county of Loving to Reeves county for judicial and all other purposes; to attach the unorganized county of Crane to Ector county for judicial and all other purposes, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

HUDSPETH, Chairman.

Committee Room.

Austin, Texas, January 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 146, A bill to be entitled "An Act to amend an Act of the Thirty-second Legislature, entitled 'An Act to amend Article 21, Title 4, of the Revised Civil Statutes, and to amend an Act passed by the Thirtieth Legislature creating the Sixth Supreme Judicial District of Texas, and to create the Seventh and Eighth Supreme Judicial Districts of Texas,' and to create the Ninth Supreme Judicial District of Texas, and to provide for the organization of a Court of Civil Appeals within the Ninth Supreme Judicial District of Texas, and to repeal all laws and parts of laws, in conflict therewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

Committee Room.

Austin, Texas, January 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 112, A bill to be entitled "An Act to amend Section 8, Chapter 120, of the General Laws of the Thirty-second Legislature of Texas, passed at the Regular Session thereof, being 'An Act to amend Article 21, Title 4, of the Revised Civil Statutes of Texas, and to amend an Act passed by the Thirtieth Legislature creating the Sixth Supreme Judicial District of Texas, and to create the Seventh and Eighth Supreme Judicial Districts of Texas, and to provide for the organization of a Court of Civil Appeals within the Seventh Supreme Ju-

dicial District of Texas, and to provide for the organization of a Court of Civil Appeals within the Eighth Supreme Judicial District of Texas, and repealing all laws and parts of laws in conflict therewith and declaring an emergency," for the purpose of placing Culberson county within the Eighth Supreme Judicial District of Texas and making said Culberson county a part of said district and to repeal all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

HUDSPETH, Chairman.

Committee Room,
Austin, Texas, January 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 5, A bill to be entitled "An Act to provide for the suspension of sentence in certain cases of conviction of felony for first offenses, upon the recommendation of the jury, and for submission of the issue to the jury by the court, and to provide the duration of the suspension of sentence and for pronouncing sentence after suspension thereof in case of final conviction of the defendant of any other felony, cumulating punishment in such cases, and for granting a new trial after suspension and dismissal of the case in certain events after suspension, and to repeal all laws and parts of laws in conflict herewith, and providing for an emergency,"

And find same correctly engrossed.

TERRELL, Acting Chairman.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, January 29, 1913.

The Senate met, pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum present, the following Senators answering to their names:

Astin.	Conner.
Bailey.	Cowell.
Carter.	Darwin.
Collins.	Gibson.

Greer.	Taylor.
Hudspeth.	Terrell.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Warren.
McGregor.	Watson.
McNealus.	Weinert.
Murray.	Westbrook.
Nugent.	Wiley.
Paulus.	Villacy.
Real.	

Absent.

Morrow.

Absent—Excused.

Brelsford.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Terrell, the same was dispensed with.

(See Appendix for petitions and memorials and standing committee reports.)

EXCUSED.

On account of sickness:

Senator Morrow, indefinitely, on motion of Senator Conner.

On account of Investigating Committee work:

Senators McGregor, Nugent, Morrow, Hudspeth, Gibson, Lattimore and Townsend.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Terrell:

Resolved, That all Senators making nominating or seconding speeches in the election of a United States Senator on January 28, be requested to file their remarks with the Journal clerk of the Senate, in order that same may be printed in the Journal.

The resolution was read and adopted.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McNealus:

Resolved, That the Superintendent of Public Buildings and Grounds be instructed to provide more heat through the steam radiators of the Senate Chamber, as present conditions are so un-